

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 EMPLOYEE PAINTERS' TRUST,

CASE NO. C19-1153-JCC

10 Plaintiff,

ORDER

11 v.

12 TIMME A. MARTIN, an individual; and
13 BRIANNE DARBY, *fka* BRIANNE MARTIN,
an individual,

14 Defendants.
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16 This matter comes before the Court on Plaintiff's motion for default judgment (Dkt. No.
17 13). Having thoroughly considered the motion and the relevant record, the Court FINDS as
18 follows:

- 19 1. Defendants were properly served in this matter on or about August 8, 2019, and August
20 12, 2019 (Dkt. Nos. 6, 7);
- 21 2. The Clerk entered orders of default against Defendants on September 26, 2019 (Dkt. Nos.
22 10, 11);
- 23 3. Defendants have failed to appear or otherwise defend in this action; and
- 24 4. The factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986) support
25 granting default judgment in Plaintiff's favor.

26 Accordingly, Plaintiff's motion for default judgment (Dkt. No. 13) is GRANTED in its entirety.

1 The Court ORDERS as follows:

- 2 1. Plaintiff's motion for default judgment (Dkt. No. 13) is GRANTED;
- 3 2. Defendants are ORDERED to pay Plaintiff a total of \$230,405.64, consisting of:
- 4 a. \$217,826.08 as restitution of losses sustained by Plaintiff plus the disgorgement
- 5 of ill-gotten profits;
- 6 b. \$5,909.42 in pre-judgment interest;
- 7 c. \$5,145.00 in attorney fees; and
- 8 d. \$1,525.14 for costs;
- 9 3. Post-judgment interest on the judgment is set at the rate fixed under 28 U.S.C. § 1961;
- 10 and
- 11 4. This default judgment is deemed a final judgment pursuant to Federal Rule of Civil
- 12 Procedure 54(c) and there is no just reason for delay in entry of such judgment on
- 13 Plaintiff's claims herein.

14 The Clerk is DIRECTED to close this case.

15 DATED this 18th day of December 2019.

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19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE

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